

# SENATE BILL REPORT

## SB 6173

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As of January 18, 2016

**Title:** An act relating to prohibiting rules and policies that limit greenhouse gas emissions.

**Brief Description:** Prohibiting rules and policies that limit greenhouse gas emissions.

**Sponsors:** Senators Ericksen and Sheldon.

**Brief History:**

**Committee Activity:** Energy, Environment & Telecommunications: 1/19/16.

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### SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TELECOMMUNICATIONS

**Staff:** Kimberly Cushing (786-7421)

**Background:** The Washington Supreme Court has held that administrative agencies have those powers expressly granted to them and those necessarily implied from their statutory delegation of authority. Additionally, agency rules or regulations cannot amend legislative enactments.

The Administrative Procedure Act (APA) provides the process that state agencies must follow when adopting, amending, or repealing rules. Under the APA, a rule includes an agency order, directive, or regulation of general applicability that:

- could result in a penalty or sanction;
- establishes a process for agency hearings;
- addresses qualifications or requirements relating to benefits or privileges conferred by law; and
- addresses qualifications or standards for commercial activity or professional licensed professions.

In order to adopt a rule, the APA generally requires that an agency:

- have the statutory authority to adopt the rule;
- provide public notice of the proposed rulemaking; and
- provide an opportunity for the public to comment on the proposed rules, both in writing and at a hearing.

**Summary of Bill:** The Department of Ecology (Ecology) may not adopt any rule or policy establishing a statewide limit, cap, or standard, to control the amount of greenhouse gas

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(GHG) emissions occurring during a period of time, unless it is authorized to adopt such a rule or policy in legislation enacted after the effective date of this act.

GHG includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and any other gas or gases designated by Ecology.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.